IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY DeFRANCO,)
Plaintiff,) No. CA-04-230-ERIE
) Magistrate Judge Baxter
v.) District Judge Cohill
)
WILLIAM WOLFE, et al., Defendants.)

PLAINTIFF'S 2nd AMENDED AND SUPPLEMENTAL COMPLAINT

Plaintiff submits the following Second Amended and Supplemental Complaint pursuant to Fed.R.Civ.P. 15, and this Honorable Court's permission to file same. Plaintiff incorporates by reference his original Complaint and Amended Complaint as if fully stated herein; and avers:

AT ALL TIMES STATED HEREIN, THE DEFENDANT'S HAVE ACTED AND CONTINUE TO ACT UNDER THE COLOR OF STATE LAW.

FACTUAL ALLEGATIONS

- 64. Plaintiff advised this Court that defendant Barr threatened him with a transfer if he were successful during the October 22, 2004 hearing. This Court granted Plaintiff a TRO based off this incident but only lifted it after defendant Barr wrote out a declaration claiming not to have plans to move Plaintiff. This Court accepted the declaration as true (See, Report and Recommendation, FN.#2, DOC. #41).
- 65. On March 8, 2005, approximately one (1) week after the District Judge Adopted this Court's Report, defendant Barr did conspire to have Plaintiff transferred to the central of the state. This done specifically because of the lawsuit.
 - 66. Plaintiff had placed this Court on notice that this would occur

Case 1:04-cv-00230-MBC-SPB Document 114-2 Filed 09/07/2005 Page 3 of 39

at the beginning of this matter. In fact, even a Michele Flavell sent the Court a declaration stating that Defendant Barr told her in 2002 that "if he had it his way Plaintiff would be in the center of the state right now." (Doc. # 26, dated 11/30/04).

- 67. By Defendant Barr's actions, he has violated Plaintiff's First Amendment rights, Eighth and Fourteenth Amendments of the United States Constitution. Barr conspired to have Plaintiff placed at Smithfield through his prior higher position of Deputy Secretary, with the specific purpose of having Plaintiff harmed for filing this Complaint. In fact, upon arrival there, Plaintiff had numerous comments made to him about the lawsuit; guards saying things such as, "this is DeFranco, Sqt., the lawsuit boy." And things to that effect. The medical department at Smithfield harmed Plaintiff intentionally because of defendant Barr and this Complaint. Plaintiff has sustained numerous injuries, including many panic attacks; passing out and harming his knee further; a scar Plaintiff was destined to this specific prison at Defendants Barr's request and through his contacts here, made Plaintiff's life hazardous and unbearable. Defendant Barr had Plaintiff transferred in retaliation for this lawsuit, in violation of his 14th Amendment.
- 68. Defendant, Barr, as stated supra, has harmed Plaintiff tremendously by this retaliatory transfer. He has lost almost all meaningful contact with family and friends; loss of his prison job; loss of property and shipping. Not to mention the extreme emotional and physical pain caused by Defendant Barr's actions and his unknown conspiator's in having Plaintiff transferred. This Court even sent Defendant Barr a message via unit manager Skendall during the April

Case 1:04-cv-00230-MBC-SPB Document 114-2 Filed 09/07/2005 Page 4 of 39

- 21, 2005 T.R.O. hearing, where this Court said it was disappointed in Defendant Barr for lying to the Court (and that the Court did not think he would take this so personal to have Plaintiff moved). This was all done by Defendant Barr and his conspirator's to punish Plaintiff for the filing of this lawsuit and show other inmates what would happen if they filed lawsuits. Defendant Barr and conspirator's had Plaintiff moved without the normal "vote sheet" or and mandated "ITP Plan" (for mental health).
- 69. At this time Plaintiff is unaware of whom were all involved in this conspiracy but is naming "John and Jane Doe(s)". Defendant Barr could not have acted alone in this. Each are in violation of Plaintiff's 1st, 8th and 14th Amendments to the U.S. Constitution.
- 70. Defendant Brooks (SCI- Albion) has allowed Plaintiff to return to SCI-Albion (see reply to grievances). Defendant Brooks has allowed this transfer back to correct some of the injustice. However, Plaintiff is certain that SCI-Albion will attempt this again, to retaliate for this complaint.

IN ADDITION TO THE RETALIATORY TRANSFER, IT IS PLAINTIFF'S CONTENTION THAT THE DEFENDANTS CONSPIRED TO TRANSFER HIM SPECIFICALLY TO SCI-SMITHFIELD, KNOWING THAT HE WOULD BE HARMED PURPOSEFULLY BY THE MEDICAL DEPARTMENT AND STAFF.

Case 1:04-cv-00230-MBC-SPB Document 114-2 Filed 09/07/2005 Page 7 of 39

EXHAUSTION

Attached hereto are copies of the grievances Plaintiff has filed, all the way through the last appeal stage. At this time, Camp Hill

Case 1:04-cv-00230-MBC-SPB Document 114-2 Filed 09/07/2005 Page 8 of 39 has failed to follow procedure and timely respond to all appeals.

However, the attachments clearly prove that plaintiff has appealed to the highest level. Defendants have also failed to reply to grievances.

CAUSE OF ACTION

76. Plaintiff support the following claims by reference to the previous paragraphs of this complaint:

COUNT I

77. The violation of Plaintiff's 14th Amendment to the U.S. Constitution, on Defendant Barr and unknown conspirator's; John & Jane Does, for the retaliatory transfer for filing this comp'aint.

COUNT II

tŀ

pι

fŧ

81

f

W

b

1

h

WHEREFORE, plaintiff respectfully prays that this Court grant the relief sought in his original complaint, Amended complaint and this Second Amended Complaint, where he seeks monetary damages and other relief.

Date: 8/20/15

Respectfully submitted,

Case 1:04-cv-00230-MBC-SPB Document 114-2 Filed 09/07/2005 Page 9 of 39

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

ANTHONY DeFRANCO,

Plaintiff,

) No. CA-04-230-ERIE
) Magistrate Judge Baxter
v.

District Judge Cohill
)

WILLIAM WOLFE, et al.,

Defendants.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing 2nd Amended Complaint was served upon the following by U.S. First Class Mail:

Attorney General's Office 564 Forbes Ave. Pittsburgh, Pa. 15219 William Wolfe (same above)

Superintendent Palakovich P.O. Box 999 Huntingdon, Pa. 16652

Dr. Franz Bauer (same above) George Weaver (same above) P.A. Hoffman (same above)

Secretary Jeffrey Beard 2520 Lisburn Rd., Box 598 Camp Hill, Pa. 17001

Date: 8/20/05

Superintendent Brooks 10745 Route 18 Albion, Pa. 16475-0001

Steve Reilly (same as above)
Dennese Bunner (same as above)
Rod Showers (same as above)
Judy Jackson (same as above)
William Barr (same as above)

Anthony Derranco CZ-3518

10745 Route 13

Albion, Pa. 16475-0002

EXHIBITS

GRIEVANCES FILED

1. List of three (3) grievances filed by Plaintiff through the last stage of appeal. The attachments are the grievance's and Response's. Plaintiff has grieved the retaliatory transfer; inadequate medical care, to purposefully cause him pain and the treating psychiatrist being deliberately indifferent.

EXHIBITS

- 1. This is a request to psychologist Cunningham informing her of the panic attack and injuries to Plaintiff. Her response and Dr. Bauer's reply, showing his evil intent. He did not even see Plaintiff until "weeks" after the incident.
- 2. Requests to Mr. Weaver where a nurse replied for him. This shows that they were all being deliberately indifferent. Claiming that a panic attack is not a medical emergency and that Plaintiff does not suffer from patellofemoral syndrome while it is noted in his medical file and he was given a knee brace and a lot of pain medication for it.

EXHIBITS

Document 114-2

Filed 00/07/2005

Page 11 of 39

DC-804 Part 1 3 C 3 - 3 - 1 - 1 - 1 - 1 - 1

COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS P.O. BOX 598 CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

//276

GRIEVANCE NUMBER

OFFICIAL	INMATE	GRIEVANCE	•

TO: FACILITY GRIEVANCE COORDINATOR	FACILITY:	DATE:
FROM: (INMATE NAME & NUMBER)	Mesul	
	SIGNATURE of INMATE	E :
Amony Deterio CE 3517	HOUSING ASSIGNMEN	get and the second
WORK ASSIGNMENT:	3	
w. com.	At 50%- 5	gen no hickory
 INSTRUCTIONS: Refer to the DC-ADM 804 for procedures on the State your grievance in Block A in a brief and unc List in Block B any actions you may have taken to members you have contacted. 	inmate grievance system. derstandable manner.	
A. Provide a brief, clear statement of your grievance	e. Additional paper may be	e used, maximum two pages.
This is no regards to a right	long director 20	WI I Know Lover Start
and organ for years - in I had	a Tod French Co	orthorn course. Survey
I william may pute, it was with		· ·
The second of the southing pool than the second	er & Date in the	Jane on his a look
and it of probability gives our	min to me	and the second
A State Commence of the State Commence of th	The state of the s	Bake Simoley Their Collect
Western in the new property to the transfer	more than duty	budes thought our Science
That is after a set to provide for	when I properly	hand a will engineer have
	-Ai .	
	and the second s	
There is a special to the second of the	in weather with	in the weather - in
· · · · · · · · · · · · · · · · · · ·	ماد	
B. List actions taken and staff you have contacted	Great Horas Page 1	hay be a cherry
B. List actions taken and staff you have contacted,	before submitting this grie	vance.
Free of the motion of	Carly Mary South	The Stage of the
A STATE OF THE STA	1000	
	A Marine Market Marine	

Signature of Facility Grievance Coordinator

Date

WHITE - Facility Grievance Coordinator Copy CANARY - File Copy PINK - Action Return Copy GOLDENROD - Inmate Copy Revised

D-----------------

Filed 01/17/2006

Page 9 of 36

Case 1:04-cv-00230-MBC-SPB

Document.114-2 Filed.09/07/2005

Page 12 of 39

DC-804 Flant 2

COMMONWEALTH OF PENNSYLVANIA **DEPARTMENT OF CORRECTIONS** P.O. BOX 598 CAMP HILL, PA 17001

OFFICIAL INMATE ODIEVANCE		· r	
OFFICIAL INMATE GRIEVANCE INITIAL REVIEW RESPONSE		GRIEVANCE NO,	112276
TO the stable of BOAles	FACILITY		
TO: (Inmate Name & DC No.)	FACILITY	HOUSING LOCATION	GRIEVANCE DATE
DeFranco, Anthony CZ-3518	SCI Albion	B/B 49	3/15/05
The following is a summary of my finding	ngs regarding your grievance:		
Mr. DeFranco has a formal separation best interest of all parties that he no she will be housed.	on in place from Mr. Barr. It is ot be housed at SCI-Albion. N	s felt that based on pendi to inmate has the right to	ng litigation it is in the determine where he or
Inmate was not available for signatu	re as he is currently at SCI-S	mithfield.	
,			
RESOLVED:	DATE:	· 	
Inmate's Signature			
UNRESOLVED:	DATE:		
Inmate's Signature	'		
cc: Original – Ms. McWilliams Grievance Officer Inmate DC-15	NAB 3-29-05	•	
Print Name and Title of Grievance Office	cer SIGNATURE OF	GRIEVANCE OFFICER	DATE
Ronald J. Bryant, CCPM	Bryand		3/28/05

Case 1:04-cv-00230-MBC-SPB Document 114-2 Filed 09/07/2005 Page 13 of 39

APPRAL TO SUPERINTENDENT

To: Ms. Brooks, Superintendent GRIEVANCE # 112276

April 7, 2005

This is an appeal of the grievance filed regarding my transfer and the reason Mr. Bryant used to uphold it. While normally, it is true that an inmate does not have an inherent right to determine where he will be housed, an inmate cannot be moved based upon filing a lawsuit, as a means to punish or show other inmates what will happen if they follow the same. They is a plethora of case law dealing with this subject. However, Mr. Parr is the person responsible for my transfer when he informed the court only recently that there were no plans on transferring me. This "formal separation", created by Mr. Barr was done because he was named a defendant in this lawsuit. There are numerous inmates still residing at Albion who actually named Mr. Barr as a defendant but were not transferred. I have been singled out and punished for asserting my rights.

f Mr. Barr feels he cannot function inside the same institution as I me while litigation is pending than maybe he should not be working where he does. Lawsuits are an integral part of prison. Mr. Bryant's response is ambiguous at best. He simply states that an inmate has no right to be housed at a particular prison. But what he fails to state, if he wants to cite law, is that a prison cannot transfer an inmate based on his filing a lawsuit. That is a retaliatory action to "get back" at me. No one has stated what harm it would cause to have kept me at Albion, in my home region and not moved 240 miles away. I am requesting an immediate return to Albion; just as Mr. Barr informed the federal court.

Case 1:04-cv-00230-MBC-SPB Document 114-2 Filed 09/07/2005 Page 14 of 39

Mr. Bryant has failed to reply to my request that I remain in the same pay I was receiving at the time of transfer. I want the same monthly pay, from the date of my transfer until this is over.

I DID NOT RECEIVE THE RESPONSE UNTIL THIS DATE AND HAVE THE MAILING ENVELOPE FROM ALEION SHOWING A POSTMARK OF 4/4/05.

ALSO THEY HAS BEEN NO RESPONSE TO GRIEVANCE #112277 (By MAJOR GIDDENS)

4/7/05

Anthony DeFranco C2-3518 SMI-Smithfield P.O. Box 999, 1120 Pike St. Huntingdon, Pa. 16652

CC: federal Court file

Document 114-2

Filed 09/07/2005

Page 15 of 39

Page 12 of 36

COMMONWEALTH OF PENNSYLVANIA
Department of Corrections
State Correctional Institution at Albion
(814) 756-5778
May 10, 2005

SUBJECT: APPEAL TO SUPERINTENDENT

GRIEVANCE #112276

TO:

Anthony DeFranco

CZ-3518

SCI-Smithfield

FROM:

Marilyn 3. Brook

Superintendent

I have reviewed the original grievance and the Grievance Officer's response.

I do not find an appeal on file for 112276. However, I will allow you to be returned to SCI-Albion in resolution of the grievance.

Your transfer back to SCI-Albion will be done as a routine transfer and will be done when it can be scheduled. In anticipation of property shipment, if you are over the allowable limit and it is shipped by means other than the DOC, payment for shipping will be your responsibility.

Upon return you will be housed according to your classification.

After thorough review and evaluation, I amend the Grievance Officer's decision.

MSB/ljm

CC:

Deputy Harlow

Deputy Wilkes

Mr. Bryant

Superintendent's Assistant

DC-15

File

[&]quot;Our mission is to protect the public by confining persons committed to our custody in safe, secure facilities, and to provide opportunities for inmates to acquire the skills and values necessary to become productive law-abiding citizens; while respecting the rights of crime victims"

Document 114-2

Filed 09/07/2005 Page 16 of 39 anthony Defrance \mathbb{Z}_{-3} SCI-Smithfield P.O. Box 999, 1120 Pike St. Huntingdon, Pa. 16652

Chief, Secretary's Office of Inmate Grievances Department of Corrections 2520 Lisburn Rd., P.O. Box 598 Camp Hill, Pa. 17001-0598

May 8, 2005

Re: APPEAL GRIEVANCE No. 112276

Dear Chief, this is my appeal of the above grievance. I received this date a reply from the superintendent claiming that she did not receive my appeal but went on to claim to have enclosed an "amendment that resolves the issue." (superintendent's letter, enclosed, dated May 4, 2005. There was no "amendment" enclosed with this reply so I am appealing to your Office. I have had continued trouble even receiving replies from SCI-Albion. Please find enclosed a copy of my grievance, response, the superintendent's reply (w/o the "amendment") and my appeal to you.

What happened to me was a retaliatory transfer. I filed a civil rights action (which continues). From the outset I informed the Court that Albion would transfer me to punish me for filing the lawsuit. The federal court placed a temporary restraining order on Albion to keep me there. However, after the superintendent's Asst. made a declaration that no such transfer was planned, I was transferred 8 days after the restraining order was lifted. The reply that was given to my grievance was that Mr. Barr (Super. Asst.) placed a formal separation in on me due to the litigation. Although I have not received a misconduct in almost 3 years and my behavior there was model over the almost past 3 years (and I was moved there due to my mother's health and my good behavior). I lost my .42 per hour job and have been moved 240 miles away from my family, who cannot see me as they want. I would like an immediate transfer back to Albion with my job back, at the same pay rate and to be compensated for the pay loss due to this move. It is fundamentally unfair to my family and myself to have moved me; especially so far from my family. There is no pressing reason to transfer me. Many inmates have lawsuit's going that do not get moved as I have. Staff are suppose to be responsible and mature enough to litigate without personalizing the matter. I ask that you have me returned to Albion, with my job the way it was; and to be compensated for the loss of money. Thank you for your fairness in this matter.

nthony DeFranco

Inclosures

Document 114-2

Filed 09/07/2005

Page 17 01 55

COMMONWEALTH OF PENNSYLVANIA
Department of Corrections
Secretary's Office of Inmate Grievance's and Appeals
(717) 975-4954
May 17, 2005

SUBJECT: Grievance Correspondence-Grievance No. 112276(ALB)

TO:

Anthony DeFranco, CZ3518

23518 CA 16

SCI Smithfield

FROM:

Secretary's Office of Inmate Grievances & Appeals

This is to acknowledge receipt of your letter to this office. Upon review of your letter, it is the decision of this office to file your letter without action. You have failed to comply with the provision(s) of the revised DC-ADM 804 effective January 3, 2005.

In accordance with the provisions of the DC-ADM 804, VI D, 1g, a proper appeal to final review must include photocopies of the Initial Grievance, Initial Review, the Appeal to the Facility Manager, and the Facility Manager's decision with amendment. The text of your appeal(s) to this office shall be legible, presented in a courteous manner, and the statement of facts shall not exceed two pages.

Review of the record reveals that your appeal(s) is incomplete. You have failed to provide this office with the required documentation that relates to your appeal(s). You are not permitted to appeal to this office until you have complied with all procedures established in DC-ADM 804. You have ten working days from the date of this memo to provide this office with documents needed to conduct final review. Any further correspondence from you regarding your appeal(s), which does not contain the required documents, will result in a dismissal of your appeal(s).

/ms

CC:

Supt. Palakovich

DC-15

Grievance Office Central File

[&]quot;Our mission is to protect the public by confining persons committed to our custody in safe secure facilities, and to provide opportunities to inmates to acquire the skills and values necessary to become productive law-abiding citizens, while respecting the rights of crime victims."

Case 1:04-cv-00230-MBC-SPB __, Document 114-2 __, Filed 09/07/2005 __ Page To 01-59

Anthony DeFranco C7-3518 SCI-Smithfield P.O. Box 999, 1120 Pike St. Huntingdon, Pa. 16652

Chief, Secretary's Office of Inmate Grievances Department of Corrections 2520 Lisburn Rd., P.O. Box 598 Camp Hill, Pa. 17001-0598

May 23, 2005

Re: Grievance No. 112276 (Amendment)

Dear Chief;

Enclosed please find a copy of the Superintendent's Response (Amendment) dated May 10, 2005. Please be advised that while the "amendment" claims to "resolve" this grievance, I disagree. What was done to me was atrocious and illegal. Bringing me back to Albion is only step in this matter. I lost my prison job there; have had to pay shipping expenses; considerable telephone bills; loss of family visitation, just to name a few.

Thank you for your time and fairness in this matter.

Sincerely,

Anthony DeFranco

CC: enclosure

MIN Gase 1:04-cv-00230-MBC-SPB Document 114-2 Filed 09/07/2	
	400
110 Coape 1.0 To occording	
DC-804 , A. LL	<u> </u>

COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS P.O. BOX 598 CAMP HILL, PA 17001-0598



Page 19 of 39

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR! Ms. Hollibaugh, Asst. to Super.	FACILITY: DATE: SCI-Smithfield 4///05
FROM: (INMATE NAME & NUMBER) Anthony DeFranco CZ-3518	SIGNATURE OF INMATE:
WORK ASSIGNMENT:	HOUSING ASSIGNMENT:
	C/A 16

INSTRUCTIONS:

- 1 Refer to the DC-ADM 804 for procedures on the inmate grievance system.
- 2. State your grievance in Block A in a brief and understandable manner.
- 3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.

A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages. This matter stems from the medical dept. deducting 2 dollars from my account due to a panic attack I suffered on 3/22/05. The guard called medical. I informed the nurse that I knew the difference between panic attacks and cardiac (I suffer a cardiac condition as well) -- I informed her that my symptoms felt like panic but I had sweating and pain in my left arm, which caused me concern of it being my heart. I was instructed to sign a paper, which turned out to be a cash slip; PA Hoffman (I believe) told the nurse to have me sign it. During this ordeal, Mr. Hoffman bothered me by telling me Dr. Bauer is not increasing your medication. I have no idea why this Mr. Hoffman feels compelled to get involved in my psychiatric care and to basically harass me in the middle of a panic attack. Dr. Bauer, upon my immediate arrival here on 3/8/05, cut my anxiety/panic medication in half despite not knowing me and, having 2 separate psychiatrists concur on my dosage. One psychiatrist is the administrative psychiatrist (Dr. Polmueller) who saw me less than a year ago and approved the total regimen. Apparently this Dr. Bauer has some sort of personal relationship with him and received approval to cut my "needed" medication. Since that time I have been suffering increased anxiety an panic attacks. These cause me great distress and pain. I would like my medication, as it was prescribed prior to my arrival here. And ask that the 2 dollars B. List actions taken and stair you have contacted, before submitting this grievance.

Wrote Mr. Weaver and a Ms. Allen, RNS, wrote back saying the deduction was good because I informed the nurse that I knew the difference between panic and heart pain; however, I informed the nurse that I had pain in my left arm and sweating, and wanted to be sure it was not heart related.

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Signature of Facility Grievance Coordinator

Date

M DC-804, Inmate Grievance System

Attachment B

-804 rt 2 COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS P.O. BOX 598 CAMP HILL, PA 17001

FFICIAL INMATE GRIEVANCE JITIAL REVIEW RESPONSE GRIEVANCE NO.

SMI-114216-05

TO: (Inmate Name & DC No.) FACILITY HOUSING LOCATION GRIEVANCE DATE:

Anthony DeFranco CZ-3518 SCI-Smithfield C/A 4/1/05

The following is a summary of my findings regarding your grievance:

I have reviewed your medical record and all of the entries by the psychiatrist and physician assistants since you came to SCI-Smithfield. I do not doubt your perception of feeling anxiety, but increased anxiety is not necessarily a panic attack. I do not see evidence in the medical record that you have experienced true panic attacks while at Smithfield. I am well aware of the amount of Valium that you were prescribed before coming to SCI-Smithfield. When you came to this institution, it was the decision of the prescribing practitioners to place you on a lower dose of Valium for your long-term health. We are not going to change that position. The \$2.00 co-pay will continue to be assessed each time that you access health care according to the policy.

I find no merit in your grievance.

Category: Co-pay

Cc: Superintendent Palakovich

DSCS DSFM

DC-14 (K. Zimmerman)

DC-15 File

is

Print Name and Title of Grievance Officer

George Weaver

Corrections Health Care Administrator

SIGNATURE OF GRIEVANCE OFFICER

DATE

4/12/05

tor FMM/ H

Case 4:04 av 00220 MDC CDD - Decument 444 0 - Filed 00/07/2005 - December 420

COMMONWEALTH OF PENNSYLVANIA
Department of Corrections
SCI-Smithfield
Superintendent's Office
April 19, 2005

SUBJECT: GRIEVANCE APPEAL #SMI-114216-05

TO: A. DeFranco, CZ3518

C/A

FROM: John A. Palakovich

Superintendent

I have reviewed your appeal to grievance #114216-05 received on April 18, 2005, as well as Mr. Weaver's response to the initial grievance. The \$2 copay you were assessed was correct since your sick call visit was not due to a chronic condition. The appeal is denied.

JAP/sdw

cc:

Deputy Briggs
Deputy Kormanic
Ms. Hollibaugh
Mr. Weaver
DC-15
File

Case 1:04-cv-00230-MBC-SPB Document 114-2 Filed 09/07/2005 Page 93 of 20

Anthony Dafranco CZ-3518 SCI-Smithfield P.O. Box 999, 1120 Pike St. Huntingdon, Pa. 16652

Chiaf, Sacretary's Office of Innate Grievances Department of Corrections 2520 Lisburn Rd., P.O. Box 598 Camp Hill, Pa. 17001-0598

April 21, 2005

Ra: APPEAL OF GRIEVANCE # 114216-05

Dear Chief,

Please find enclosed my grievance, response, appeal to the superintendent and his reply. My appeal is two fold; first, I suffer from chronic anxiety and panic disorder. Additionally, I have a chronic heart condition that has me on medication's. On 3/22/05, the block guard phoned medical because I had chest pain, sweating and pain in my left arm. I went to medical where the nurse took my vital signs and explained that I most likely suffered an anxiaty attack. She then had me sign a paper which turned out to be a mash slip! Because my anxiety and panic disorder is chronic and a long term illness, the co-pay does not apply to this situation and I am asking for the 2 dollars deduction to be replaced. I further explained in my grievance that the treating psychiatrist was mistreating me; that he reduce my panic aedication in half upon my reception to this prison (without knowing me or ever speaking with me before). Also, despite the fact that the DOC's udministrative psychiatrist, Eugena Polymaller, having seen me less than a year ago after coming to my prior institution for the specific purpose to ramove immate's off of un-needed anxiety/panic medications...he advised to leave me on my complete regimen as is. I found out by the way Smithfield's treating psychiatrist was talking, ha is actually related to the Admin. psychiatrist and actually phoned him to remove me from my medication. Since that time I have suffered tremendous anxiety and panic attacks; have been to medical and had to be wheeled there just last week. I wrote Dr. Haver a couple of requests since then but have not received a reply. I am asking that I be placed back on my complete anxiety/panic medication as it was when I first arrived here. And that the 2 dollar's taken from me for this to be replaced. Thank you.

Sincerely,

Anthony DeFranco

ON: file

Document 114-2

Filed 09/07/2005

1 440 20 010

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
2520 LISBURN ROAD, P.O. BOX 598
CAMP HILL, PA 17001-0598

THE SECRETARY'S OFFICE OF INMATE GRIEVANCES AND APPEALS

July 8, 2005

Anthony DeFranco, CZ-3518 SCI Smithfield

Re:

DC-ADM 804 – Final Review Grievance No. 114216

Dear Mr. DeFranco:

This is to acknowledge receipt of your appeal to final review of the above numbered grievance.

In accordance with the provisions of DC-ADM 804, effective January 3, 2005, I have reviewed the entire record of this grievance; including your initial grievance, the grievance officer's response, your appeal from initial review and the superintendent's response. I have also carefully reviewed the issues you raise to final review.

Upon completion of this review, it is the decision of this office to uphold the responses provided by staff at the institutional level. I have reviewed all documentation provided. The information contained in your medical record does not support your claim that you suffered a panic attack on 3/22/05 because your valium prescription was reduced. There is no indication that you are not receiving appropriate medical treatment. Since you accessed medical care, the co-pay charge was appropriate.

The responses provided at the institutional level are appropriate and in accordance with Department of Corrections' policies and procedures. Accordingly, your appeal to final review must be denied.

Sincerely,

Sharon M. Burks

Chief Grievance Officer

Calmed. of

SMB/kk

CC:

Supt. Palakovich

DC-15

Grievance Office Central File

Document 114-2

Filed 19/07/2005

Page 24 of 39

DC-804 Part 1 C. William

COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS P.O. BOX 598

CAMP HILL, PA 17001-0598

FOR OFFICIAL USE ONLY

114453-05

GRIEVANCE NUMBER

OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR	FACILITY: DATE:
MS. Hollibaugh	Smithfield 7/7/05
FROM: (INMATE NAME & NUMBER)	SIGNATURE of INMATE:
Anthony DeFranco CZ-3518	Missel strans
WORK ASSIGNMENT:	HOUSING ASSIGNMENT:
	C/A 16

INSTRUCTIONS:

- 1 Refer to the DC-ADM 804 for procedures on the inmate grievance system.
- 2. State your grievance in Block A in a brief and understandable manner.
- 3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.
- A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages.

I sustained a knee injury while falling out of bed in the middle of the night trying to get to my nitro pills for chest pain. X-ray's were done and showed no broken bones. I continued to complain of pain from my knee and toe. Two PA's at SCI-Albion concurred that I had patellofemoral syndroms. I was given predisone. On 2-10-05 I was prescribed 3 months of motrin for continued knee pain. I was advised by the health care administrator that I would not be charged again for any follow up's on my knee injury. (See attached request). SCI-Albion is apart of the DOC. This request slip specifically states that I would not be charged for any further follow up's for the knee injury that will never go away. Furthermore, my prescription was not to run out until May 10, 2005. Therefore, my medical visit where PA Hoffman reduced my need medication did so prematurely. I am requesting my 4 dollar deduction be replaced and medical advised to stop these arbitrary charging for medical. Moreover, according to the ADM-820, Fee's #2, an immate is not to be charged for chronic or long term care ("g" & "J"), and that medication prescribed subsequent to initial medication prescription provided to an immate for some illness or condition ("p"). Based upon such, and the fact that the "new" prescription was done 11 months prematurely, I am asking that my money be return and medical informed that my injury is long term (forever) and I am not to be charged for it. The attached request from health care administrator at SCI-Albion supports this. As do the policies regarding this issue. The medical department are venturing away from the ADM Policy and are taking money for medical visits and medication when they should not do so.

B. List actions taken and staff you have contacted, before submitting this grievance.

SEE ATTACHMENT

I wrote to Mr. George Weaver informing him of the above. However, a Ms. Allen responded claiming the money was properly taken. Ms. Allen actually went further to encourage me to purchase my own medication when the knee injury was the result of mochagligence, which is currently being litigated.

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Signature of Facility Grievance Coordinator

Date

WHITE - Facility Grievance Coordinator Copy CANARY - File Copy PINK - Action Return Copy GOLDENROD - Inmate Copy Revised

Document 114-2

Filed 09/07/2005

M DC-804, Inmate Grievance System

Attachment B

112

COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS P.O. BOX 598 CAMP HILL, PA 17001

FFICIAL INMATE GRIEVANCE ITIAL REVIEW RESPONSE

GRIEVANCE NO.

SMI-114453-05

TO: (Inmate Name & DC No.)	FACILITY	HOUSING LOCATION	GRIEVANCE DATE:
Anthony DeFranco CZ-3518	SCI-Smithfield	CIA⇒	4/7/05
The fellowing is a second of the first of the second	and the second of the second		

The following is a summary of my findings regarding your grievance:

It is documented in the medical record that on 10/13/04 you injured your left knee after falling out of bed. The x-ray demonstrates no evidence of fracture or other acute, traumatic osseous or joint pathology seen. The documentation from SCI-Albion lists the left knee as a temporary problem.

On 4/4/05 you were seen on sick call. Findings were such that a non-inflammatory medication was suggested. which is Motrin that is available in the commissary. You informed the physician assistant you should not have to pay for this since the injury was caused by the state. In your grievance you are claiming negligence by the DOC.

Disposition:

I have reviewed your medical record and determined that the co-pay charges are correct. This is not a chronic condition. It is a very long stretch of anybodies imagination that the Department of Corrections is negligent for you falling out of bed. Millions of adults across the United States have little aches and pains of the muscular skeletal type and they go to their local drug store and buy Motrin, so can you. If the condition continues, you may be seen again on sick call and if other medications are ordered, then they will be paid for through the pharmacy contract. The prescribing of medications is the sole responsibility of the licensed practitioner.

I find no merit in this grievance.

Category: Co-pay

Cc: Superintendent Palakovich

DSCS DSFM

DC-14 (K. Zimmerman)

DC-15 File

Print Name and Title of Grievance Officer

George Weaver Corrections Health Care Administrator SIGNATURE OF GRIEVANCE OFFICER

DATE

4/12/05

Case 1:04-cv-00230-MBC-SPB Document 114-2

Filed 09/07/2005

Page 20 01 39

COMMONWEALTH OF PENNSYLVANIA
Department of Corrections
SCI-Smithfield
Superintendent's Office
April 19, 2005

SUBJECT: GRIEVANCE APPEAL #SMI-114453-05

TO:

A. DeFranco, CZ3518

C/A

FROM:

John A. Palakovich

Superintendent

I have reviewed your appeal to grievance #114453-05 received on April 18, 2005, as well as the initial response provided by Mr. Weaver. It is noted that the prescription for Motrin was for 90 days effective February 10, 2005. The co-pay charges should only have been \$2 rather than \$4. You should not have been charged for a change in the dosage. However, I must advise you that a knee problem is not a chronic condition and is not exempt from the co-pay charge.

The Business Office will reimburse you \$2. No further action necessary.

JAP/sdw

CC:

Deputy Briggs
Deputy Kormanic
Ms. Hollibaugh
Mr. Weaver

Inmate Accts.

DC-15 File Case 1:04-cv-00230-MBC-SPB Document 114-2 Filed 05/07/2005 Page 27 of 39

Anthony DeFranco CZ-3513 SCI-Smithfield P.O. Box 999, 1120 Pike St. Huntingdon, Pa. 16652

Chief, Secretary's Office of Inmate Grievances. Department of Corrections 2520 Lisburn Rd., P.O. Box 598 Cump Hill, Pa. 17001-0598

April 21, 2005

Re: APPEAL OF GRIEVANCE # 114453-05

Dear Chief.

Please find enclosed my grievance, response, agreal to the superintendent and his reply. My appeal is in regard to the co-pay charges being implemented here at SCI-Smithfield. They are only considering a "chronic" condition as being exampt from co-pay when the policy states otherwise. ADM-820, Fee's "G"...provide that immates with long term care or who have already been seen and charged for the illness or injury will not incur additional charges. My situation is this: and this can be verified by my madical file, I suffer a knee injury that is called "patellofammal syndrome". This is a life long injury which gives me severe pain. Please pheck my file and see that this injury will never go away. I had initially been charged for this at my prior institution and advised by the health care Admin. that there would not be any further fee's for follow up's on my knee injury; which I supplied attached to my grievanus and appeal to the superintendent. However, I was advised that in order for me to receive my motrin for the pain (on 4/1/05) that I had to put in a slip. I complied and was charged a total of 4 dollars. @ dollars to be seen and 2 dollars for the prescription. I provided the superintendent a copy of my prescription and he agreed that my prescription had not expired, and still is not expired (intil 5/10/05) -- the superintendent ordered that I be given back 2 dollars of the 4 dollar charge. He agreed chat my prescription had not ran out and that I should not have been charged for the prescription being reduced. I should not have been charged at all! This is tantamount to stealing. I was falsely lead to believe I needed to put in a slip to have my prescription remared and charged. Wrongfully, as admitted by the superintendent. But he only refunded half of the wrongful 00-pay charge. I am asking that the other 2 dollars be refunded. I additionally ask that you please sand a mego to SCI-Smithfield and advise them that they are not to charge me for any follow up's or prescriptions for my knee injury. It is a life long injury that requires care for the rest of my life. Since I already paid at my previous institution I should not be charged again. Please send a manual to the medical department here and explain the co-pay policy; and please advise them that I should not be charged for any follow up visits and prescriptions for this knee injury that will never go away; and advise them to refund my 2 dollars that was wrongfully talen. Thank you for your fairness.

Simcorely,

Anthony DeFranco

CC: and losures

Document 114-2

Filed 09/07/2005

Page zo or Jo

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS
2520 LISBURN ROAD, P.O. BOX 598
CAMP HILL, PA 17001-0598

THE SECRETARY'S OFFICE OF INMATE GRIEVANCES AND APPEALS

June 30, 2005

Anthony DeFranco, CZ-3518 SCI Smithfield

Re:

DC-ADM 804 – Final Review Grievance No. 114453

Dear Mr. DeFranco:

This is to acknowledge receipt of your appeal to final review of the above numbered grievance.

In accordance with the provisions of DC-ADM 804, effective January 3, 2005, I have reviewed the entire record of this grievance; including your initial grievance, the grievance officer's response, your appeal from initial review and the superintendent's response. I have also carefully reviewed the issues you raise to final review.

Upon completion of this review, it is the decision of this office to uphold the responses provided by staff at the institutional level. I have reviewed all documentation provided. Your medical records do not provide sufficient evidence that you have a chronic knee problem which would permit you to receive treatment and medications without having to pay a co-pay.

The responses provided at the institutional level are appropriate and in accordance with Department of Corrections' policies and procedures. Accordingly, your appeal to final review must be denied.

Sincerely,
Samon M. Bulka

Sharon M. Burks

Chief Grievance Officer

SMB/kk

CC:

Supt. Palakovich

DC-15

Grievance Office Central File

Document 114-2

Filed 09/07/2005

Page 29 of 39

DC-804 Part 1

COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS P.O. BOX 598

FOR OFFICIAL USE ONLY

GRIEVANCE NUMBER

CAMP HILL, PA 17001-0598
OFFICIAL INMATE GRIEVANCE

TO: FACILITY GRIEVANCE COORDINATOR		FACILITY: Smithfield	DATE: 5/20/05
FROM: (INMATE NAME & NUMBER)	<u>ु</u> .र	SIGNATURE of INMATE:	
Anthony DeFranco CZ-3518	À	CACONI KA	Legaces
WORK ASSIGNMENT:		HOUSING ASSIGNMENT:	

INSTRUCTIONS:

- 1 Refer to the DC-ADM 804 for procedures on the inmate grievance system.
- 2. State your grievance in Block A in a brief and understandable manner.
- 3. List in Block B any actions you may have taken to resolve this matter. Be sure to include the identity of staff members you have contacted.
- A. Provide a brief, clear statement of your grievance. Additional paper may be used, maximum two pages. I suffer from a chronic knee injury called "patellofemoral syndrome". This condition will never go away, as attested to by medical staff here. While the Superintendent stated on 4-19-05 that the copay for my knee injury was okay, he was misinformed as to the seriousness and length of the injury. Staff responded to my grievance erroneously claiming that the injury was "temporary". The injury is long term (life time). However, on 5-4-05 I saw the PA about the extreme pain of my knee and informad believe that if the appointment was going to be charged than I refuse treatment. I was led to b that the visit would be "no charge". I informed the PA that I was unable to purchase enough mortin over the commissary to even dull the pain from week to week. I was given a 2 week prescription of 3 400 mgs. per day. The mortin is now causing my stomach to ache. I have found out that I was misinformed by staff and have actually been charged for this medical visit that I specifically stated I would refuse if I were to be charged. Taking my money after making me believe I was not going to be charged is fundamentally unfair and I ask that the 4 dollars be credited to my account. I ask further that the medical staff correctly diagnose my knee condition and not list it as being a "temporary condition". It is "patellofemeral syndrome" and it will never yo-away. Please instruct the 4 dollars taken be credited to may account based upon my statement to medical personnel that I refuse treatment if there would be a charge. Policy clearly states that I had a right to refuse treatment (as I indicated) and I was to be told if there was to be a charge. Fine

B. List actions taken and staff you have contacted, before submitting this grievance.

my know property treaten, it pointed the proce with or to proper

Wrota Mr. Weaver; a Hs. Allen responded initially. I wrote another unresponded to request slip about this to Mr. Weaver.

Your grievance has been received and will be processed in accordance with DC-ADM 804.

Signature of Facility Grievance Coordinator

Date

WHITE - Facility Grievance Coordinator Copy CANARY - File Copy PINK - Action Return Copy GOLDENROD - Inmate Copy Revised

Filed 01/17/2006

Page 27 of 36

Page 30 or 5

Case 1:04-cv-00230-MBC-SPB

Document 114-2

Filed 09/07/2005

DM DC-804, Inmate Grievance System

Attachment B

>-804 3rt 2

COMMONWEALTH OF PENNSYLVANIA DEPARTMENT OF CORRECTIONS P.O. BOX 598 CAMP HILL, PA 17001

FFICIAL INMATE GRIEVANCE **NITIAL REVIEW RESPONSE**

GRIEVANCE NO.

SMI-118314-05

HOUSING LOCATION GRIEVANCE DATE: TO: (Inmate Name & DC No.) FACILITY C/A Anthony DeFranco CZ-3518 SCI-Smithfield 5/20/05

The following is a summary of my findings regarding your gardvance:

You make the statement that you suffer from a chronic knee injury. You are requesting \$4.00 to be credited to your account.

Disposition:

The situation you are grieving is the same situation that you already have grieved in grievance number SMI-114453-05 on 4/7/05. I have again reviewed your medical record and find documentation that you injured your left knee after falling out of bed. There is no listing of the diagnosis that you state you have i.e.: "patellofemoral syndrome". I also do not find documentation that supports your claim that a chronic condition is present in your left knee warranting the refunding of \$4.00. Thus, I deny the refund and find no merit in this grievance.

Category: Co-Pay

Cc: Superintendent Palakovich

DSCS **DSFM**

DC-14 (C. Kephart)

DC-15 File

Print Name and Title of Grievance Officer

SIGNATURE OF GRIEVANCE OFFICE

DATE

George Weaver

Corrections Health Care Administrator

George Weaver, C.H.C.A

6/3/05

Case 1:04-cv-00230-MBC Document 139 Filed 01/17/2006 Page 28 of 36

Case 1:04-cv-00230-MBC-SPB

Document 114-2 Filed 09/07/2005

Page 31 of 39

COMMONWEALTH OF PENNSYLVANIA Department of Corrections SCI-Smithfield Superintendent's Office June 22, 2005

GRIEVANCE APPEAL #SMI-118314-05 SUBJECT:

TO:

A. DeFranco, CZ3518

C/A

FROM:

John A. Palakovich

Superintendent

I have reviewed your appeal to grievance #118314-05 received on June 15, 2005, as well as the initial grievance and response provided by Mr. Weaver. His response was appropriate. Your knee problem is not a chronic condition but is the result of an injury, and as such, is subject to medical co-pay. The appeal is denied.

JAP/sdw

Deputy Smeal CC:

Deputy Kormanic

Ms. Hollibaugh Mr. Weaver

DC-15

File

Form DC-135A	Commonwealth of Respectives
. 4 55 (65)	Commonwealth of Pennsylvania Department of Corrections
INMATE'S REQUEST TO STAFF MEMBER	Soparation of domestions
	INSTRUCTIONS
	Complete items number 1-8. If you follow instructions in
	preparing your request, it can be responded to more promptly and intelligently.
To: (Name and Title of Officer)	2. Date:
Mo Cuminglam (Bankoloust)	34/2/05
3. By: (Print Inmate Name and Number)	4. Counselor's Name
ANTHONY DEFranco CZ-3518	Dr. Zemmerman
12.80 pp	5. Unit Manager's Name
mitter buy buy from	•
Inmate Signature	Mr. Compiano
6. Work Assignment	7. Housing Assignment
	C/A 16
8. Subject: State your request completely but briefly. G	
Dear Ms. Cumungham - I	am uniting in regards to
our meeting on 3/30/05. Uf	to I explained to you some of
my mental resttle troubles,	
alort solo to medical as I	he word called - I had
	The state of the s
Chart pair, sweating & pain	in the left arm. The surse
Chart pair, sweating & pair	in the left arm. The surse
Chart pain, sweating & pain said it was panic. Ever my panic mede I no suppor	since Dr. Bauer reduced increased anxiety + parise
Chart pain, sweating & pain said it was panic. Ever my panic medie I we suppor	sin the left arm The surse since on Bauer reduced of increased anxiety + panies in breather trasporte contral
Chast pair, sweating & pair said it was ponce. Ever my ponce medic I see suppor I realize your advise or we panir - sometimes it does	since Dr. Bauer reduced in breathing transfer to water for the control of
Chart pair, sweaters of pair said it was paries. Ever my parie medi I we supper I realize your advise or we paries - sometimes it does there is a different psyche	since Dr. Bauer reduced in breathing transfer to water for the control of
Chast pair, sweating & pair said it was ponce. Ever my ponce medic I see suppor I realize your advise or we panir - sometimes it does	since Dr. Bauer reduced in breathing transfer to water for the control of
Chast pair, sweating pair said it was panic. Even my panic medic I we support I realize your advise on we panin - sometimes it also there is a chipment psyche Bauer; as I finformed you,	since Dr. Bauer reduced in breathing transfer to water for the control of
Chast pair, sweating pair said it was panic. Even my panic medic I we support I realize your advise on we panin - sometimes it also there is a chipment psyche Bauer; as I finformed you,	since Dr. Bauer reduced in breathing transfer to water for the control of
Chast pair, sweating to pain said it was panic. Even my panic medic I we support I realize your advise or we panic - sometimes it alone there is a different psyche Bauer; as I winformed you, office "for again, this many of the myself, to have me a	since Dr. Bauer reduced in breathing transfer to water for the control of
Chast pair, sweating pair said it was panic. Even my panic medic I we support I realize your advise of the panic - sometimes it also there is a different psychology Essue: as I sinformed you Consuming to how me of	since Dr. Bauer reduced anxiety + panier wing breathing transport to continued to continued to continued attail of come are besides as he kieled me out up his relations." I feel there is a cleare give me some ordinare. Through you.
Chast pair, sweating to pain said it was panic. Even my panic medic I we support I realize your advise or we panic - sometimes it alone there is a different psyche Bauer; as I winformed you, office "for again, this many of the myself, to have me a	since Dr. Bauer reduced anxiety + panier wing breathing transport to continued to continued to continued attail of come are besides as he kieled me out up his relations." I feel there is a cleare give me some ordinare. Through you.
Chast pair, sweating pair said it was panic. Even my panic medic I we support I realize your advise of the panic - sometimes it also there is a different psychology Essue: as I sinformed you Consuming to how me of	since Dr. Bauer reduced armiety + panier wing breathing transport to continue of search of the strain of the strain of the search of the searc
Chast pair, sweating pair said it was pance. Even my pance medi sue suppor l realize your advise of the pance - sometimes it does there is a different payor Basse; as I informed you Chinging to how me payor 9. Response: (This Section for Staff Response Only) De Saule is the only payor be further for your please they lose your orestant of a share by	since Dr. Raver reduced armity + panion wing breathing thereto to water to water to water of the form out of his westerns." I feel there is a please give the same columns. Thornt you.
Chast pair, sweating pair said it was panic. Even my panic medic I we support I realize your advise of the panic - sometimes it also there is a different psychology Essue: as I sinformed you Consuming to how me of	since Dr. Bauer reduced since Dr. Bauer reduced armiely + paning breathing traction to cother not such. Bo brown if atrail I can see besides on he kieled me out up his relations." I feel ther in a clease give me some columns. Thornt you.
Chast pair, sweating pair said it was pance. Even my pance medi sue suppor l realize your advise of the pance - sometimes it does there is a different payor Basse; as I informed you Chinging to how me payor 9. Response: (This Section for Staff Response Only) De Saule is the only payor be further for your please they lose your orestant of a share by	since Dr. Bauer reduced since Dr. Bauer reduced armiely + paning breathing traction to cother not such. Bo brown if atrail I can see besides on he kieled me out up his relations." I feel ther in a clease give me some columns. Thornt you.
Chast pair, sweating pair said it was pance. Even my pance medi sue suppor l realize your advise of the pance - sometimes it does there is a different payor Basse; as I informed you Chinging to how me payor 9. Response: (This Section for Staff Response Only) De Saule is the only payor be further for your please they lose your orestant of a share by	since Dr. Bauer reduced since Dr. Bauer reduced armiely + paning breathing traction to continue of search. Bo brown if atrail I can see besides as he kieled me out up his release give me some coducine. Thornt you. Thornt you.
Chast pair, sweating pair said it was pance. Even my pance medi sue suppor l realize your advise of the pance - sometimes it does there is a different payor Basse; as I informed you Chinging to how me payor 9. Response: (This Section for Staff Response Only) De Saule is the only payor be further for your please they lose your orestant of a share by	since Dr. Bauer reduced since Dr. Bauer reduced armiely + paning breathing traction to cother not such. Bo brown if atrail I can see besides on he kieled me out up his relations." I feel ther in a clease give me some columns. Thornt you.
Chast pair, sweating pair said it was pance. Even my pance medi sue suppor l realize your advise of the pance - sometimes it does there is a different payor Basse; as I informed you Chinging to how me payor 9. Response: (This Section for Staff Response Only) De Saule is the only payor be further for your please they lose your orestant of a share by	since Dr. Bauer reduced anniety + panier wing breathing transact to continue t
Chast pair, sweating pair said it was pance. Even my pance medi sue suppor l realize your advise of the pance - sometimes it does there is a different payor Basse; as I informed you Chinging to how me payor 9. Response: (This Section for Staff Response Only) De Saule is the only payor be further for your please they lose your orestant of a share by	since Dr. Bauer reduced since Dr. Bauer reduced armiely + paning breathing traction to cother not such. Bo brown if atrail I can see besides on he kieled me out up his relations." I feel ther in a clease give me some columns. Thornt you.
Chast pairs, successing pairs said it was posses. Cues my panic media has support l realize your advises of he panic sometimes it does there is a chiffment payche Bauer; as I informed upon Office "for against the many Companie, to have me of 9. Response: (This Section for Staff Response Only) De Sauer is the many payches that the further for your please they lose your breather and about the your sorredy before a socialists.)	since Dr. Bauer reduced animaly + parison of secretary traspare to continuous from the continuous of secretary trasparents continuous from an besides as he seited me out of his relations." I feel there is a please give me some columns. Thomas your testing him. Cartaine to heavious techniques to reduce
Chast pair, sweating pair said it was pance. Even my pance medi sue suppor l realize your advise of the pance - sometimes it does there is a different payor Basse; as I informed you Chinging to how me payor 9. Response: (This Section for Staff Response Only) De Saule is the only payor be further for your please they lose your orestant of a share by	since Dr. Bauer reduced anniety + panier wing breathing transfer to continued to continued to continued to continued to continue to contin
Chast pairs, successing pairs said it was posses. Cues my panic media has support l realize your advises of he panic sometimes it does there is a chiffment payche Bauer; as I informed upon Office "for against the many Companie, to have me of 9. Response: (This Section for Staff Response Only) De Sauer is the many payches that the further for your please they lose your breather and about the your sorredy before a socialists.)	To DC-14 CAR and DC-15 IRS

Λ°	30 miles
Form DC-135A INMATE'S REQUEST TO STAFF MEMBER	Commonwealth of Pennsylvania Department of Corrections
·	INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.
1. To: (Name and Title of Officer)	2. Date: 3/17/05
MS Curring ham (Mental Health AD.) 3. By: (Print Inmate Name and Number) Anthony De Franco CZ-3518 Metary De Franco	4. Counselor's Name Mr. K. Zimmerman 5. Unit Manager's Name
6. Work Assignment	7. Housing Assignment
Subject: State your request completely but briefly. G	ive details.
AS prescribed by psychiatrist Lines Bring Cut HALF OF my medicate "Additive" Even Trisugh my File medications, They did not brack. With my praise t Provide discover my medication (EVEN Trings 2 other DN GS is), my princhy has become seed the medication in the morning I asked him, because it hard for	ler. Since he took me off half or psychiatrists agreed I should represent worse. Plus, I told him I rarely s, to change it to afternoon - laken
Trese are issues to discuss with	Dr. Bauer;

Case 1:04-cv-00230-MBC-SPB Document 114-2 Filed 09/07/2005 Page 35 of 39

Form DC-135A	Commonwealth of Pennsylvania
INMATE'S DECUIEST TO STAFF MEMBER	Department of Corrections
INMATE'S REQUEST TO STAFF MEMBER	
	INSTRUCTIONS Complete items number 1-8. If you follow instructions in
	preparing your request, it can be responded to more
	promptly and intelligently.
To: (Name and Title of Officer)	2. Date:
Ms Cumpingham (psychologist)	34/2/05
3. By: (Print Inmate Name and Number)	4. Counselor's Name
Anthony DeFranco C2.3518	Mr. Zammerman
Chilton Dechonso	5. Unit Manager's Name
Inmate Signature	Dr. Compiano
6. Work Assignment	7. Housing Assignment
	C/A 16
8. Subject: State your request completely but briefly. G	ive details.
Den Mo. Curringham - I	am suriting in regards to
our meeting on 3/30/05. all	ter I explained to you some of
my meated health troubles,	of the downerts: I told you
about going to medical no I	the guard called - I had
Chart pair, sweeting y pair	in the left arm The surse
said it was parice. Ever	since On Baver reduced
my pome medie I ne suffer	I encreased annely + paris
I realize your advise of he	un breather thether to costeel
pance - sometimes it does	B and a second second
there is a different psychi	etral I can see besides as
Bauer; as I unfamel you	N Keeket ne out of his
The for ageing was many of	relations. I feel there is a
He is against all suine the	aleme quie oble some obuse
as against refor suring the	Brand marks fall
9. Response: (This Section for Staff Response Only)	- constant surper
	extension stotution. Altrough it may
1 0	to work with hom. Cartin to
the some breating and are he	havioral techniques to reduce
you so write before Desculate.	
To DC-14 CAR only 🗆	To DC-14 CAR and DC-15 IRS □

Revised July 2000

Staff Member Name

Case 1:04-cv-00230 MBC-SPB Document 114-2 Filed 09/07/2005 Page 36 of 39

F DC 1254	
Form DC-135A	Commonwealth of Pennsylvania
INIMATE'S SECULEST TO STATE MEMORE	Department of Corrections
INMATE'S REQUEST TO STAFF MEMBER	
	INSTRUCTIONS
	Complete items number 1-8. If you follow instructions in
	preparing your request, it can be responded to more
	promptly and intelligently.
1. To: (Name and Title of Officer)	2. Date:
Ms. Cumningham (Psycholo int	4/29/05
3. By: (Print Inmate Name and Number)	4. Counselor's Name
Anthony De Franco CZ-3518	}
MINONY DETRAICE CESSIO	Mr. Keplant
Carle 12-0	5. Unit Manager's Name
May Digiana	•
Inmate Signature	Mr. Campopeano
6. Work Assignment	7. Housing Assignment
Ma P	fre details.
MD. lunamfam	
My broi	her informed me that I
need to sign a form to wo	a to obiscuse no case william
I aire use permens à do >	falt to ale I ale I ame
weeking ma el un mal	The state of the s
registery is a you nex me	to sign Something I will
On .	
On a separate matter,	ared medication for my tree
enjury that well last freue	2. Housen guero tome , e ca
to medical then mand of the	and me - our + over anex.
Ms Cynningam mould nou	
INIA DE amiene attent	2 Mills Child
il I can have a mile	an in refferen and feel out
Oa in	reflection suthout more charge
My medical consider in notes	4 mont lungo ourney Thank
you was much.	
9. Response: (This Section for Staff Response Only)	
you are a callent 5/5/05 at 08:15 to	Jon a release. The assessite
	laver and make that seemed as
	have the that regult as
there was a ser market	<u> </u>
To DC-14 CAR only	To DC-14 CAR and DC-15 IRS
	20. 20
Staff Member Name / Staff Member Name	Date 5 4/05
Print \(\sigma\)	Sign

Document 114-2

Filed 09/07/2005

Page 37 of 39

Case 1:04-cv-00230-MBC-SPB

Form DC-135A Commonwealth of Pennsylvania Department of Corrections INMATE'S REQUEST TO STAFF MEMBER INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently. 1. To: (Name and Title of Officer) 2. Date: (Porchologist Mo. Cunningham 3. By: (Print Inmate Name and Number) 4. Counselor's Name CZ-3518 Anthony De Franco M. laston 5. Unit Manager's Name Inmate Signature 7. Housing Assignment 6. Work Assignment 8. Subject: State your request completely but briefly. Give details. Response: (This Section for Staff Response Only) To DC-14 CAR only To DC-14 CAR and DC-15 IRS □ Staff Member Name

Form DC-135A	Commonwealth of Pennsylvania	
NUMBERS OF OUTET TO STAFF MEMOUR	Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER	INOTOLICTIONS	
	INSTRUCTIONS Complete items sumber 1.9. If you follow instructions in	
	Complete items number 1-8. If you follow instructions in	
	preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer)	2. Date:	
Mr Stence Wenner (Health care)	€ 3/22/05	
3. By: (Print Inmate Name and Number)	4. Counselor's Name	
Anthorn DeFrance CZ 3518	M. Zummeman	
1200 42/	5. Unit Manager's Name	
(Inthe Defrance		
Inmate Signature		
6. Work Assignment	7. Housing Assignment	
	H/A 30	
8. Subject: State your request completely but briefly. Give details.		
Mh blower,		
of suffer from panie + as	rounty doorder. I tak medi	
In this also, I have a	heart condition which of take	
Opitro, aspiror + Jamesas.	Today I had their pain	
Question and want to the sealth come. The mind		
took my pulse I slood pr	corare. She said it was	
a prince attack. I was	told to suga a paper, which	
Turno out to be a cash se	is Sir I sparte in ony	
Counselo regarding the + 1	ead The DCM-820 (under Filis	
D. 6 I should not be chang	all for this as the a chronical	
ellows that I've suffered	from for bears bearing your	
please have the morey deal	when placed back on my	
account + instruct medical a	n this same	
The state of the s	Thouse you ar bicacon	
9. Response: (This Section for Staff Response Only)		
Mr. De Franco,		
according to your record, you requested health care services		
on 3-22-05. Services were provided, thuring which you told the		
murse you were anxious and that you can tell the difference		
netween a panic attack and cardiac issues.		
	non-emergency rusits and your	
anxiety had not produced a medical emergency, therefore you		
were charged appropriately:		
In the Puture, use the skills	you have learned such as deep	
breathing, positive imaging		
To DC-14 CAR only	To DC-14 CAR and DC-15 IRS	

Staff Member Name K.Allen / K.Allen Date 3-28-05

Page 36 of 36

Document 114-2

Filed 09/07/2005

Page 39 of 39

Form DC-135A	Commonwealth of Pennsylvania
INIMATE'S DECLIERT TO STAFF MENORS	Department of Corrections
INMATE'S REQUEST TO STAFF MEMBER	NOTELIC TO LO
	INSTRUCTIONS Complete items number 1.8. If you follow instructions in
	Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more
	promptly and intelligently.
To: (Name and Title of Officer)	2. Date:
Mr Weaver (Health Care admin)	5/4/05
3. By: (Print Inmate Name and Number)	4. Counselor's Name
Enthony DeFranco CZ-3518	Mr. KepHart
120	5. Unit Manager's Name
My Dunes	
Inmate Signature	Mr. Compapiano
6. Work Assignment	7. Housing Assignment
	C/A16
8. Subject: State your request completely but briefly.	
I suffered a severe knee	injury called "Pattello Femoral
Symphode + - This was even a	inguised as such by your fresting
staff. The tree Pain is sever	e + requires a lot of matrix to
dell the pain - I could not	penalose except motion welly to
even come close to stay the p	air. On I have already pail
In this at SCI Alter + again	here, I want to know if you
Quil instruct nedical staff no	I to change me further for this
injury due to eta life long,	on- going pain. Pursuant to the
Coppay Policy - DC-POM 820 - FEE'S 2. "g" - Chronic illnes; "j"- long	
term care me "p" - medication pres	resisteen sussequent to the control medical
presention perouded to an invote	for the same illred on Condition. My
Kan some is severe + required pairs nedication + will present Box	
on the of foling, I would like	to know if my knee pain, meds
care is now exempt from capa	y. As Policy States.
	Thankyon.
9. Response: (This Section for Staff Response Only)	
mr. le Franco,	
The superintendent informed you on 4-19-05 that your	
knee problem is not exempt from 'Co-Pay. I will not instruct	
	or want to request a reinew of
	X-135A to me with the date of
Service in question and I wil	I be happy to look into it.
<u> </u>	
To DC-14 CAR only	To DC-14 CAR and DC-15 IRS □
Staff Member Name K. Allen /	K.allenens Date 5-12-05